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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Implementation of Section 255 of the)
 Telecommunications Act of 1966)

WT Docket No. 96-198

Access to Telecommunications Services,)
 Telecommunications Equipment, and)
 Customer Premises Equipment By Person)
 with Disabilities)**Comments of Ericsson Inc.**

Ericsson Inc. ("Ericsson"), by its attorney, hereby submits its comments in the above captioned proceeding.' In support of its comments Ericsson states as follows:

Ericsson is a manufacturer of telecommunications systems and equipment for wireless and wireline networks. Ericsson has developed telecommunications equipment which can be used by persons with disabilities. It has also been actively involved in organizations which have continuing dialogue with members of the disability community and whose goal is to make telecommunications products accessible to individuals with disabilities. For example, it is an active member of the TTY Forum which is addressing

¹ *In the Matter of Implementation of Section 255 of the Telecommunications Act of 1996: Access to Telecommunication Services, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities. Notice of Proposed Rule Making.* WT Docket No. 96-198. __ FCC Rcd __ (released April 2, 1998) (hereinafter "NPRM").

the Wireless E-9 11 TTY compatibility requirement Ericsson is also involved in the University of Oklahoma EMC Center program for the investigation of the interaction between hearing aids and wireless phones. Ericsson was selected to be a full member of the Telecommunications Access Advisory Committee (“TAAC”) which was established by the Architectural and Transportation Barriers Compliance Board (“Access Board”) to assist in developing accessibility guidelines for telecommunications equipment and CPE required by Section 255 of the Telecommunications Act of 1996.² It has submitted comments in the Access Board’s Section 255 Notice of Proposed Rule Making as well as in the Commission’s Section 255 Notice of Inquiry. As a result of the foregoing, Ericsson is fully qualified to submit comments with regard to the instant *NPRM*.

Ericsson is familiar with the Comments being submitted in the *NPRM* by the Telecommunications Industry Association (“TIA”). Ericsson fully supports the Comments tiled by TIA in all respects since it believes the framework proposed by TIA will serve to enhance accessibility on the one hand without undue regulatory burdens being imposed on manufacturers on the other hand.

Among other things, Ericsson supports the ability of a manufacturer to exercise discretion in incorporating accessibility features within a product line rather than requiring manufacturers to evaluate the Access Board’s 18 point checklist with regard to every product.

Ericsson also supports the TIA definitions of “accessibility”, “disability” and “readily achievable.” With regard to the definition of the term “disability”, Ericsson agrees with TIA that the term should include only existing disabilities which prevent or hinder a

² Telecommunications Act of 1996, Pub. L. 104-104, 110 Stat. 56 (1996).

person from using telecommunications equipment or CPE as a result of the disability in question. In this regard, Ericsson notes that the Commission proposes to use the Access Board's list of categories of common disabilities that should be considered in analyzing equipment and service offerings under Section 255 and that the Commission does not view the list as either exhaustive or final.³ Though Ericsson understands that there may be legitimate reasons for not wanting to limit the list of affected disabilities, it asserts that an open-ended list makes it virtually impossible for a manufacturer to meet its obligations under Section 255. If a manufacturer does not know that a given disability or condition is a "disability" within the context of Section 255, it is impossible for the manufacturer to take steps to determine if it is readily achievable to incorporate accessibility features into a product for the disability or condition involved.

Ericsson also supports the substitution of TIA's "dispute resolution process" for the Commission's fast track complaint process. In addition to the time frame for responses to fast track complaints being unreasonably short, the fast track process will not result in the elimination or reduction of perceived Section 255 complaints. In fact, the opposite is likely to occur. TIA's dispute resolution process on the other hand, will reduce the number of complaints that have to be adjudicated by the FCC and will also serve to reduce the resource commitment the FCC has to make to the Section 255 implementation process. Adoption of the TIA dispute resolution process will also reduce the resources manufacturers have to commit to administrative litigation and thereby increase the resources that manufacturers can devote to try and incorporate more accessibility features into their products.

³ *NPRM*, p. 70

Ericsson will continue to strive to make its products more accessible, to the extent readily achievable. However, it believes the overall level of accessibility will be increased if the Commission adopts the proposals set forth in the Comments filed by TIA.

Respectfully submitted,

Ericsson Inc

A handwritten signature in dark ink, appearing to read "David C. Jatlow", is written over a horizontal line.

David C. Jatlow, Esq
Its Attorney

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